

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8117 of 2017

Santosh @ Golu Sahu S/o Goverdhan Sahu, Aged About 30 Years
R/o Sahupara Gandai, Police Station Pandatarai, Tehsil Pandariya,
District Kabirdham, Chhattisgarh. , Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer Of Police
Station Lormi, Civil & Revenue District Mungeli, Chhattisgarh. ,
Chhattisgarh --- **Respondent**

For the applicant : Mr. Pallav Mishra, Advocate
For the respondent : Mrs. Madhunisha Singh, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.02.2018

1. This is third bail application filed u/s 439 of the Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No. 189/2016 registered at Police Station Lormi, Mungeli, Distt. Mungeli (C.G) for the offence punishable under sections 394/34 & 120B of IPC.
2. As per the prosecution case, on 06.05.2016 while the complainant Rajkumar who deals in business of sale of gold and silver was going from village Dumarha to Khaparikala, on the way, 3 persons came and threw chilly powder on his face and looted 300 grams of gold and 15 Kgs., of silver worth Rs.15 lakhs. Subsequently the applicant and other accused were arrested and from the possession of the applicant, 8.81 kgs., of silver and 202.10 grams of gold were recovered.
3. Learned counsel for the petitioner would submit that the complainant has been examined in this case and though other 3 accused have been identified but subsequently the applicant has not been identified, which would be evident from para 8 of Raj Kumar Dadsena (P.W.2), therefore, the

applicant who is in jail since 08.05.2016 may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
 5. Earlier explanation was called from the Court below as to what was the reason for non-compliance of the court order dated 30.08.2017 wherein a direction was given to complete the proceeding within a period of three months.
 6. The communication dated 13.02.2018 sent by Judicial Magistrate, Class-II Lormi, Distt. Mungeli is placed on record wherein it is stated that 11 witnesses have been examined and the matter is pending for examination of 12 witnesses, therefore, further extension of time was sought for disposal of Case. The explanation given by the Court below appears to be bona-fide and reasonable, therefore, on due consideration the explanation is accepted. Consequently the time which was earlier granted on 30.08.2017 is hereby extended and the trial Court is directed to conclude the trial within further period of six months.
 7. Considering the statement of complainant Raj Kumar Dadsena (P.W.2), without any observation on merits of the case with respect to the allegations attributed to the applicant, I am inclined to allow this bail application.
 8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court.
- Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**